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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------|------------------|
| 10/658,899 | 09/10/2003 | Michael L. Fripp | 2003-IP-009956 UI USA | 5165 |
| 20558 | 7590 | 02/23/2006 | EXAMINER | |
| KONNEKER & SMITH P. C. 660 NORTH CENTRAL EXPRESSWAY SUITE 230 PLANO, TX 75074 | | | THOMPSON, KENNETH L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3672 | |

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,899

Applicant(s)

FRIPP ET AL.

Examiner

Kenneth Thompson

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3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-95 is/are pending in the application.
- 4a) Of the above claim(s) 4-7, 9, 13, 14, 19, 20, 22-24, 28-56 and 58-72 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 73-79 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 10 and 21 is/are rejected.
- 7) ☒ Claim(s) 12, 15-18, 25-27 and 57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Hall et al., U.S. 5,295,397.

Regarding claim 1, Hall et al. discloses a flow passage (at 22 and 24), a flow region (at 23 and 25) in communication with the flow passage; a tool (27) operative in conjunction with fluid in the flow region; and multiple flow restrictors (col. 3, lines 55-68) in the flow passage, the flow restrictors influencing fluid flow from the passage to the region.

Claim 1-3 and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by Wilson, U.S. 2,960,109.

Regarding claims 1-3, Wilson discloses a flow passage (within 51), a flow region (within 52), a tool (57) operative in conjunction with fluid in the flow region; and multiple flow restrictors or annular shaped projections (60,54) in the flow passage, the flow restrictors being operative to influence flow from the passage to the region.

As to claim 8, Wilson discloses the flow restrictors (60,54) form alternating fluid expansion (within 53) and contraction (at 55 and 59) regions.

Claim 1, 10, 11 and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by Tubel et al., U.S. 5,839,508.

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Regarding claims 1, 10, 11 and 21, Tubel et al. discloses in figure 12 a flow passage (below 146), a flow region (above 146), an electrical power generator tool (94) operative in conjunction with fluid in the flow region; and multiple spaced apart flow restrictors or annular shaped projections (90) in the flow passage, the flow restrictors being operative to influence flow from the passage to the region.

Allowable Subject Matter

Claims 73-79 are allowed.

Claims 12, 15-18, 25-27 and 57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 5 December 2005 have been fully considered but they are not persuasive.

With respect to the prior art of Hall, Applicant argues the orifice plate 12 clearly does not influence any portion of the fluid to flow from the upstream to the downstream portions of the passage, nor does the orifice plate influence any portion of the fluid to flow through the downstream portion of the passage. Applicant's assert that orifice plate 12 retards flow through both the upstream and downstream portions of the passage.

Commensurate with Applicant's assertion, it is submitted that the plate will directly influence fluid to flow from a portion to another. The retardation in flow creates a fluid pressure

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drop across the orifice plate, the higher pressure being operative to **force** at least a portion of the fluid to flow from the high pressure side to the low pressure side.

Applicants arguments with respect to the prior art of Tubel and Wilson have been fully considered.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

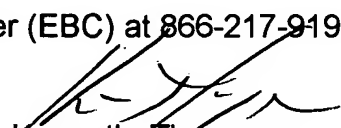
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2 February 2006



Kenneth Thompson
Primary Examiner
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